IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.834 OF 2007

Kisan Ramchandra Pinjare ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.Rahul S.Kate Advocate for Applicant
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 3, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. 41 of 2006 of Malshiras Police Station. The said case is mainly under Section 376 of IPC.

3. It is the prosecution case that on 26.8.2006 while she was going to the field, the applicant followed her. Thereafter, he dragged her into the flour mill and committed rape on her. While she was wearing her clothes, she raised shouts, whereupon her mother in law peeped into the flour

mill and locked door of the flour mill from outside. After coming out, the prosecutrix consumed insecticide. From the material on record, it is seen that the incident occurred on 26.8.2006. The statement of the prosecutrix was recorded on the very same day by Akluj Police Station wherein she has stated that as her husband was not getting any work, she had consumed insecticide. Thereafter, again her statement was recorded on 9.10.2006 by the police officer of Malshiras Police Station wherein she has stated that she had cough and she mistook the bottle of insecticide for bottle of medicine and hence, she consumed the same. In both the statements, the prosecutrix has made no reference to the incident of rape. Thereafter, it is only on 30.10.2006 that prosecutrix has lodged her F.I.R. wherein she has stated that the applicant committed rape on her on 26.8.2006. No plausible explanation has been given by the prosecutrix as to why the complaint was not lodged earlier. Looking to the facts of this case and the earlier statements of the prosecutrix, prima facie, some doubt is raised regarding the genuineness of the complaint. Hence, I am inclined to grant bail to the applicant.

4. The applicant to be released on bail in the sum of Rs.20,000/- (Rs.Twenty thousand only) with one or two sureties to make up the said amount in C.R.No. 41 of 2006 of Malshiras Police Station. The applicant shall stay out of the area of Sargarwadi village till conclusion of the trial. Before being released on bail, the applicant shall inform the I.O. the address at which he will reside while on bail. He shall report to the nearest Police Station to that address once in a week till conclusion of trial.

5. Application is disposed of.

[V.K.Tahilramani, J.]